

# **EXHIBIT B**

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## **DRAFT PUBLIC PARTICIPATION PLAN**

### **HARRIS AVENUE SHIPYARD SEDIMENTS BELLINGHAM, WASHINGTON**

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**June 2003**

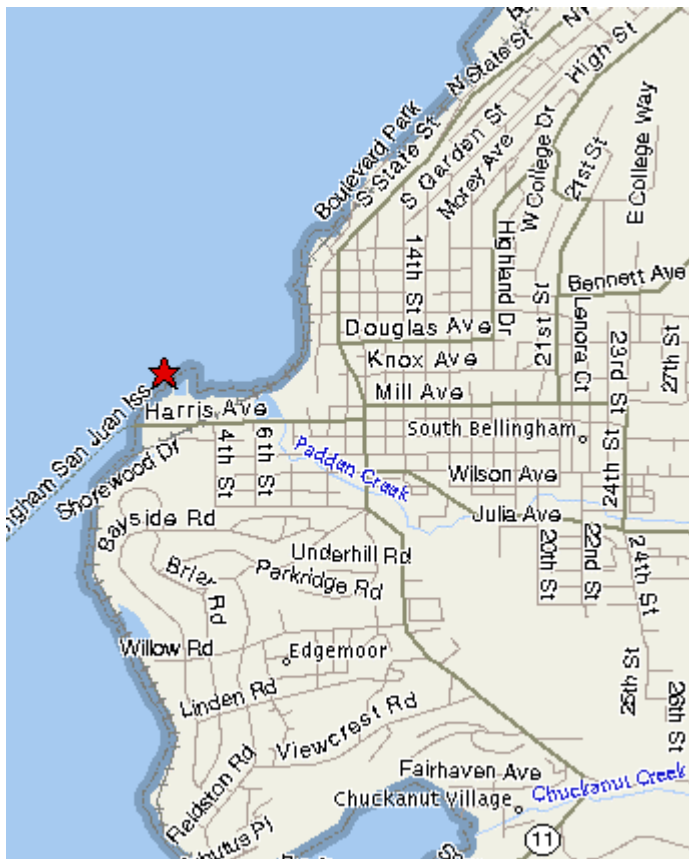
Prepared by the Washington State Department of Ecology  
with input from the Port of Bellingham  
and the Washington Department of Natural Resources



## INTRODUCTION

Public participation is essential in reaching informed decisions when addressing community environmental issues such as cleanup of contaminated properties. The purpose of this **public participation plan** is to assist in promoting public understanding and participation in the cleanup of contaminated sediments at the Harris Avenue Shipyard site (Shipyard). This plan outlines a variety of tools and activities to encourage public involvement. Cleanups conducted under the Washington State Model Toxics Control Act (MTCA) and the regulations that guide site cleanup (Chapter 173-340-WAC), require public notice and encourage public comment and participation. Required elements of public participation under MTCA are incorporated into this plan as well as additional elements added to meet the needs of the community.

This plan has been prepared by the Washington State Department of Ecology (Ecology) in cooperation with the Port of Bellingham (Port) and the Department of Natural Resources (DNR). Ecology, working with the Port and DNR, retains lead responsibility for the public participation activities outlined in this plan.



The goal of this public participation plan is to promote public understanding of the cleanup process, including opportunities for public involvement, so that the community can provide comments and be involved in a meaningful way throughout the process. The following sections provide background information on the site and community and outline the public involvement tools and activities for the Harris Avenue Shipyard.

## SITE BACKGROUND

The Harris Avenue Shipyard site is located in Bellingham's Fairhaven district, on the southern shore of Bellingham Bay. The site has been active as a commercial shipyard since approximately 1915. Shipyard operations remain active and represent an important employer in the local economy.

The upland areas of the Shipyard have been owned by the Port since 1966, and sediments at the site are located on state-owned aquatic lands. The current Port tenants at the site include the operator of the Shipyard, Puglia Engineering (doing business as Fairhaven Shipyards) and All American Marine. Both companies are very recent tenants at the site and, unlike those that historically operated at the site, are not responsible for the contaminated sediments located there. The Port and DNR are leading the investigation and cleanup of the Shipyard site, with oversight by Ecology.

Sediments at the site have been shown to contain elevated levels of contaminants commonly associated with ship building and repair, such as heavy metals, semivolatile organic compounds, polychlorinated biphenyls and tributyl tin. The Shipyard has been listed and ranked by Ecology as a contaminated site subject to the investigation and cleanup requirements of the Washington State Model Toxics Control Act.

Several previous investigations have been performed at the Shipyard, including testing performed by Ecology, and subsequent studies performed by the Port and DNR. These investigations were performed in coordination with Ecology under the Voluntary Cleanup Program. Additional testing is to be performed as part of the remedial investigation/feasibility (RI/FS) process. The RI/FS document will summarize existing environmental conditions at the Shipyard, present a range of cleanup alternatives, and identify a preferred cleanup approach.

The Shipyard is one of 12 cleanup sites around Bellingham Bay identified through the Bellingham Bay Demonstration Pilot Project, a coordinated effort to clean up contaminated sites around the Bay. The Shipyard was identified as a high priority by Ecology in 2000 in a comprehensive strategy developed in cooperation with the Bellingham Bay Demonstration Pilot Work Group, a partnership of 15 federal, tribal, state and local organizations. The comprehensive strategy was designed to provide information to decision makers and citizens about sediment cleanup and disposal, pollution prevention, habitat restoration and land use from a bay-wide perspective.

## NEIGHBORHOOD PROFILE

### COMMUNITY DESCRIPTION

The Harris Avenue Shipyard site is located in the Fairhaven area on the tip of Post Point. The Shipyard has been active since 1915. Companies that have historically owned or operated the



shipyard include Pacific American Fisheries, Northwest Shipbuilding Company, Port Point Marine, Post Point Industries, Associated Venture Capital, Fairhaven Shipyard, Weldit Corporation, Maritime Contractors Inc. and Bellingham Bay Shipyard. The Shipyard is currently operated by Puglia Engineering under a lease with the Port.

The Shipyard property is bounded on the south by Marine Park which was developed by the Port for public access and recreation during the

1970s. The Shipyard property is bounded on the east by seafood processing companies and the Bellingham Cruise Terminal. The Shipyard location provides deep-water navigation access to Bellingham Bay.

### **KEY COMMUNITY CONCERNS**

Input on the project has been obtained during the Bellingham Bay Pilot public outreach efforts, through previous land use planning efforts, and meetings with Shipyard operators and other project stakeholders. Concerns and interests expressed included the following:

- Preservation of commercial shipyard uses.
- Protection of human health and the environment through appropriate site cleanup.
- Stewardship of state-owned aquatic lands located at the Shipyard site.
- Avoidance of impacts to important fisheries resources and habitats.
- Coordination of site cleanup actions with other Bellingham Bay sites, including the development of a multi-user disposal site for contaminated sediments.
- Providing opportunities for public involvement in the cleanup action.
- Compliance with regulatory requirements.

### **SEDIMENTS RI/FS**

The remedial investigation/feasibility study will build on previous site investigations and will provide the information necessary to select a preferred alternative for site cleanup. The remedial investigation/feasibility study will detail:

- Results of previous sediment investigations.
- Definition of areas and volumes of impacted sediments.
- Summary of other important site information relevant to site cleanup.
- Results of biological testing including both previous and supplemental bioassay testing.
- Proposed site cleanup levels.
- Suitability of sediments for various reuse, treatment and disposal alternatives including but not limited to beneficial reuse, confined aquatic disposal and open-water disposal.
- Multiple alternatives for sediment cleanup, including evaluation of those alternatives against MTCA criteria including effectiveness, implementability and cost-effectiveness.
- Definition of a preferred alternative.

The remedial investigation/feasibility study will be made available for public review and comment. Public participation activities are detailed below.

### **PUBLIC PARTICIPATION ACTIVITIES AND RESPONSIBILITIES**

The purpose of this public participation plan is to promote public understanding and participation in the cleanup planned for this site. This section of the plan addresses how Ecology, the Port and DNR will share information and receive public comments and community input on the site cleanup. Ecology, working with the Port and DNR, retains lead responsibility for these activities.

## **PUBLIC INVOLVEMENT TOOLS**

Ecology uses a variety of tools that are aimed at facilitating public participation in the planning and cleanup of MTCA sites. The following is a list of these tools, their purposes, and how they will be used during this site cleanup.

### ***Formal Public Comment Period***

Comment periods are the primary method Ecology uses to get feedback from the public on proposed cleanup decisions. Comment periods usually last 30 days and are required at key points during the investigation and cleanup process before final decisions are made.

During a comment period, the public can comment in writing. Verbal comments are taken if a public hearing is held. After formal comment periods, Ecology reviews all comments received and will respond in a document called a *responsiveness summary*.

Ecology will consider the need for changes or revisions based on input from the public. If significant changes are made, then a second comment period may be held. If no significant changes are made, then the draft document(s) will be finalized.

The 30-day public comment period for the agreed order (which includes this public participation plan) is being held from June 10 to July 9, 2003. A 30-day comment period will also be held for the draft remedial investigation/feasibility study, expected to be completed by winter 2003.

### ***Public Meeting***

Public meetings may be held at key points during the investigation and cleanup process. Ecology also may offer public meetings for actions expected to be of particular interest to the community. These meetings will be held at locations convenient to the community.

When the draft remedial investigation/feasibility study is completed, a public meeting will be held during the comment period to discuss the documents. This is expected to occur winter 2003.

### ***Information Repositories***

During the comment period, the site documents will be available for review at information repositories. Ecology can also make copies of documents for a fee.

For the Harris Avenue Shipyard, the information repositories are:

- Bellingham Public Library, 210 Central Avenue, Bellingham  
Phone: (360) 676-6860
- Department of Ecology, Bellingham Field Office, 1204 Railroad Avenue, Suite 200  
Phone (360) 738-6250
- Department of Ecology, Northwest Regional Office, 3190 160<sup>th</sup> Avenue SE, Bellevue  
Phone: (425) 649-7190
- Site information will also be posted on the Ecology web site at:  
[http://www.ecy.wa.gov/programs/tcp/sites/sites\\_information.html](http://www.ecy.wa.gov/programs/tcp/sites/sites_information.html)

### ***Site Register***

All public meetings, comment periods and many other activities are published every two weeks in Ecology's Site Register. To receive the Site Register, contact Sherrie Minnick at (360) 407-7200 or [shan461@ecy.wa.gov](mailto:shan461@ecy.wa.gov).

### ***Mailing List***

Ecology will compile a mailing list for the site. The list will include landowners adjacent to the site, businesses in the area, residents of the potentially affected community, individuals, groups, public agencies, elected officials, and other interested parties that request site-related mailings. A subset of this mailing list may be compiled to provide notice of site-related activity by Ecology or the Port of Bellingham to property owners within or adjacent to the site who may be directly affected by physical activity at the site.

### ***Fact Sheet***

A fact sheet (similar to a newsletter) is mailed to potentially affected parties, as well as interested persons, businesses and government agencies in and around affected communities. The fact sheet is used to inform them of public comment periods and important site activities. A fact sheet may also be used to informally update the community regarding progress of the site cleanup.

For this site, a fact sheet will be prepared and mailed out to announce the formal comment period, public meeting, and availability of site documents to be reviewed. Future fact sheets will be prepared as appropriate to periodically update the community on the progress of the site cleanup.

### ***Display Ad***

A display ad announcing the formal comment period and public meeting will be placed in the *Bellingham Herald*.

## **PLAN UPDATE**

This public participation plan may be updated as the project proceeds. If an update is necessary, the revised plan will be submitted to the public for comment.

## **PUBLIC POINTS OF CONTACT**

### **Ecology**

#### **Site Managers**

Mary O'Herron  
Department of Ecology  
1204 Railroad Avenue, Suite 200  
Bellingham, WA 98225  
Phone (360) 738-6280

Lucille T. McInerney  
Department of Ecology  
Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452

(425) 649-7272

**Public Involvement**

Jessica Paige

Department of Ecology

Bellingham Field Office

1204 Railroad Avenue, Suite 200

Bellingham, WA 98225

(360) 738-6280

**Port of Bellingham**

**Project Manager**

Mike Stoner

Port of Bellingham

(360) 676-2500

[mikes@portofbellingham.com](mailto:mikes@portofbellingham.com)

**Department of Natural Resources**

**Project Manager**

Chad Unland

(360) 854-2835

[chad.unland@wadnr.gov](mailto:chad.unland@wadnr.gov)



## GLOSSARY

**Cleanup:** Actions taken to deal with a release, or threatened release of hazardous substances that could affect public health and/or the environment. The term "cleanup" is often used broadly to describe various response actions or phases of remedial responses such as the remedial investigation/feasibility study.

**Cleanup Action Plan (CAP):** A document that explains which cleanup alternative(s) will be used at sites for the cleanup. The Cleanup Action Plan is based on information and technical analysis generated during the remedial investigation/feasibility study and consideration of public comments and community concerns.

**Comment Period:** A time period during which the public can review and comment on various documents and Ecology or EPA actions. For example, a comment period is provided to allow community members to review and comment on proposed cleanup action alternatives and proposed plans. Also, a comment period is held to allow community members to review and comment on draft feasibility studies.

**Consent Decree:** A formal legal document, approved and issued by a court which formalizes an agreement reached between the state (and EPA if involved) and the potentially liable person(s) (PLPs) on what will take place during the remedial investigation/feasibility study and/or cleanup action. A Consent Decree is similar to an Agreed Order except that a Consent Decree goes through the courts. Consent Decrees are subject to public comment. If a decree is substantially changed, an additional comment period is provided.

**Feasibility Study (FS):** See Remedial Investigation/Feasibility Study.

**Information Repository:** A file containing current information, technical reports, and reference documents available for public review. The information repository is usually located in a public building that is convenient for local residents such as a public school, city hall, or library.

**Model Toxics Control Act (MTCA):** Legislation passed by the State of Washington in 1988. Its purpose is to identify, investigate, and clean up facilities where hazardous substances have been released. It defines the role of Ecology and encourages public involvement in the decision making process. MTCA regulations became effective March 1, 1989 and are administered by the Washington State Department of Ecology.

**Public Participation Plan:** A plan prepared to encourage coordinated and effective public involvement designed to the public's needs at a particular site.

**Remedial Investigation/Feasibility Study:** Two distinct but related studies. They are usually performed at the same time, and together referred to as the "RI/FS." They are intended to:

- Gather the data necessary to determine the type and extent of contamination;
- Establish criteria for cleaning up the site;
- Identify and screen cleanup alternatives for remedial action; and
- Analyze in detail the technology and costs of the alternatives.

**Responsiveness Summary:** A summary of oral and/or written public comments received by Ecology during a comment period on key documents, and Ecology's responses to those comments. The responsiveness summary is especially valuable during the Cleanup Action Plan phase at a site when it highlights community concerns.